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**From:** Tarr, Jeremy M [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=98859532088E4437968231EB6FEF6B70-JMTARR1]  
**Sent:** 1/24/2018 10:21:21 AM  
**To:** Sheila Holman (sheila.holman@ncdenr.gov) [sheila.holman@ncdenr.gov]; Heyl, Douglas [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=648eceacc8174ef68495e6b92d969f97-dheyil]; Wilson, Reid [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6b0d6961bbcf47a994d6721b4b4ec148-rwilson13]; Bartos, Ramona [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3abdaf7500744db68f42bc6e478f603b-rbartos]  
**Subject:** ACP  
**Location:** DOA  
**Start:** 1/31/2018 1:00:00 PM  
**End:** 1/31/2018 2:00:00 PM  
**Show Time As:** Tentative

**Required Attendees:** Sheila Holman (sheila.holman@ncdenr.gov); Heyl, Douglas; Wilson, Reid; Bartos, Ramona

POC: Jeremy Tarr

RE: Meeting with Dr. Ryan Emanuel of NSCU on the ACP and impacts on indigenous populations.

Jeremy,

Thanks for getting back with me. I would like to connect with you, perhaps in January, to talk about the disproportionate impacts on Native American communities in North Carolina. Neither FERC nor the developers have acknowledged what appears to be a textbook example of environmental injustice. My sense - both as a scholar who works closely with NC Native communities and as an indigenous person - is that acknowledging the disproportionate impact is a mandatory first step in any discussion with government agencies or with developers.

This acknowledgment hasn't happened yet. FERC has rebuffed efforts by the state (DEQ, Commission of Indian Affairs) and by other federal bodies (EPA, ACHP) to get them to acknowledge or discuss the issue. The lead developer's federal policy advisor, Bruce McKay, attended the Commission of Indian Affairs quarterly meeting last June and told tribal leaders that there were no environmental justice issues involving Native Americans.

This is frustrating for tribes, because they feel their concerns are delegitimized by the failure of FERC and the developers to formally acknowledge routing of the project through their traditional territories and modern-day communities. Even when tribes present statistically rigorous results - and have them published in the nation's leading scientific journal - they cannot get federal regulators or developers to own up to the numbers. It leads to feelings of voicelessness and invisibility, themes that have been shared, regrettably, by generations of Native Americans in North Carolina. This isn't meant to invoke guilt or pity - it's simply my observation as a scholar. My review of early documents and filings from the developers suggests that they were ill-informed about Native Americans in North Carolina from the outset. Errors and ambiguities in these documents suggest that their routing decisions were made with little or no knowledge about modern-day tribes and indigenous populations in the state.

The need to acknowledge the disproportionate impact on Native Americans matters, especially if the pipeline is eventually approved and built. If governments and developers do not agree with tribes on the existence of disparate impacts or on the statistics, then it will affect the ability of tribes to seek redress or mitigation for impacts. My personal prediction is that the developer will soon attempt to broker some kind of mitigation toward tribes and frame it as a goodwill gesture. Instead, the developer should be required to compensate tribes fairly for disproportionately impacting

their populations and resources. However, I do not think this will happen unless we can all agree on and formally acknowledge the numbers at hand.

I recently worked with experts in environmental impact assessment and environmental justice to flesh out these ideas a little more. We presented our work last week at the American Geophysical Union meeting. Here is a link to our technical poster on this topic: <https://www.dropbox.com/s/798qxxwo065gtcg/AGUFM2017PA.pdf>

Best wishes,

Ryan

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